

**Senate File 214 - Introduced**

SENATE FILE 214

BY HOGG

**A BILL FOR**

1 An Act relating to criminal offenses, including the definition  
2 of reckless in the criminal code, restrictions on the  
3 operation of a motor vehicle, forfeiture for certain  
4 offenses, and providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.193, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. The department shall restrict the  
4 driver's license of a person convicted of reckless driving  
5 pursuant to section 321.277 to operation of motor vehicles with  
6 a gross vehicle weight rating of four thousand pounds or less  
7 for a period not to exceed two years. Unless the license has  
8 been suspended or revoked, the department shall immediately  
9 issue to the person a new license setting forth the operating  
10 restriction. If the person's license is suspended or revoked,  
11 the restriction shall be set forth on a new license issued  
12 following the period of suspension or revocation.

13 Sec. 2. Section 321.206, Code 2011, is amended to read as  
14 follows:

15 **321.206 Surrender of license — duty of court.**

16 If a person is convicted in court of an offense for which  
17 this chapter requires mandatory revocation of the person's  
18 driver's license ~~or~~, if the person's license is a commercial  
19 driver's license and the conviction disqualifies the person  
20 from operating a commercial motor vehicle, or if the person  
21 is convicted of reckless driving pursuant to section 321.277,  
22 the court shall require the person to surrender the driver's  
23 license held by the person and the court shall destroy the  
24 license or forward the license together with a record of the  
25 conviction to the department as provided in section 321.491.

26 Sec. 3. Section 321.277, Code 2011, is amended to read as  
27 follows:

28 **321.277 Reckless driving.**

29 1. Any person who drives any vehicle in such manner as to  
30 indicate either a willful or a wanton disregard for the safety  
31 of persons or property is guilty of reckless driving.

32 2. Whether a person drives a vehicle while the driver's  
33 license of the person has been suspended, denied, revoked, or  
34 barred is relevant in the determination of whether the act was  
35 done with willful or wanton disregard for the safety of persons

1 or property.

2 3. Every person convicted of reckless driving shall be  
3 guilty of a simple misdemeanor.

4 4. A person convicted of reckless driving shall be barred  
5 from operating a vehicle with a gross vehicle weight rating  
6 exceeding four thousand pounds. Upon receipt of a notice of  
7 conviction for a violation of this section, the department  
8 shall impose a restriction on the person's driver's license as  
9 provided in section 321.193.

10 Sec. 4. Section 702.16, Code 2011, is amended to read as  
11 follows:

12 **702.16 Reckless.**

13 A person is "*reckless*" or acts recklessly when the person  
14 willfully or wantonly disregards the safety of persons or  
15 property, and the person knows or reasonably should know being  
16 reckless or acting recklessly creates an unnecessary risk of  
17 harm to another or to property.

18 Sec. 5. Section 809A.3, subsection 4, Code 2011, is amended  
19 to read as follows:

20 4. Notwithstanding subsections 1 through 3, violations of  
21 chapter 321, 321A, or 321J shall not be considered conduct  
22 giving rise to forfeiture, except for violations of the  
23 following:

24 a. Section 321.218 if a death or serious injury occurred as  
25 a result of the violation.

26 ~~a.~~ b. Section 321.232.

27 c. Section 321A.32, subsection 1, if a death or serious  
28 injury occurred as a result of the violation.

29 d. A first violation of section 321J.4B, subsection 2,  
30 paragraph "a", subparagraph (2), if a death or serious injury  
31 occurred as a result of the violation.

32 ~~b.~~ e. A second or subsequent violation of section 321J.4B,  
33 subsection 2, paragraph "a", subparagraph (2).

34 ~~e.~~ f. Section 321J.4B, subsection 9.

35

EXPLANATION

1 This bill relates to the definition of "reckless" in the  
2 criminal code, restrictions on the operation of a motor  
3 vehicle, and forfeiture for certain offenses.

4 The bill modifies the criminal offense of reckless driving.  
5 Under the bill, whether a person drives a vehicle while the  
6 driver's license of the person is suspended, denied, revoked,  
7 or barred is relevant in the determination of whether the  
8 offense was done with willful or wanton disregard for the  
9 safety of persons or property.

10 A person convicted of reckless driving pursuant to Code  
11 section 321.277 shall be barred under the bill from operating  
12 a motor vehicle with a gross vehicle weight rate exceeding  
13 4,000 pounds for a period not to exceed two years. The bill  
14 requires the department of transportation to issue a new  
15 restricted driver's license barring the person from operating a  
16 motor vehicle exceeding 4,000 pounds. A person who violates  
17 the restriction on the driver's license commits a simple  
18 misdemeanor punishable by a scheduled fine in the amount of  
19 \$50.

20 The bill modifies the definition of "reckless" in the  
21 criminal code in Code section 702.16. The bill specifies a  
22 person is reckless or acts recklessly when the person willfully  
23 or wantonly disregards the safety of persons or property, and  
24 the person knows or reasonably should know being reckless  
25 or acting recklessly creates an unnecessary risk of harm to  
26 another or to property. Current law provides a person is  
27 reckless or acts recklessly when the person willfully or  
28 wantonly disregards the safety of persons or property.

29 The modification to the definition of "reckless" in Code  
30 section 702.16 directly affects the following criminal offenses  
31 and procedures in the criminal code (chapters 687 through  
32 915): intoxicants or drugs (701.5), compulsion (704.10),  
33 ongoing criminal conduct (chapter 706A), homicide or serious  
34 injury by vehicle (707.6A), hazing (708.10), reckless use  
35 of fire or explosives (712.5), burglary in the first degree

1 (713.3), attempted burglary in the first degree (713.4),  
2 reckless use of a firearm (724.30), neglect or abandonment of a  
3 dependent person (726.3), private sector drug-free workplaces  
4 (730.5), civil damages, civil and criminal immunity, and  
5 injunctive relief for interception of communications (808B.8),  
6 unauthorized disclosure of offender's HIV-related test results  
7 (915.43).

8     The bill permits the forfeiture of a motor vehicle if a  
9 person operates a motor vehicle while the driver's license of  
10 the person is suspended, denied, revoked, or barred, and the  
11 person kills or seriously injures another person.